

Art Unit: 1797

The disclosure is objected to because of the following informalities: In the specification on page 6 paragraph [0030] “100,00” is erroneous and should be changed to – 100,000 -; on page 16 paragraphs [0057] and [0058] values for “n” and “y” should be included, respectively.

Appropriate correction is required.

Claims 7, 9, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7 and 10 are considered incomplete because it is essential that the structure include values for “n” and “y”, respectively. In claim 9 “8” is erroneous, and should be changed to – 7 -. It is further noted that the poly(vinylphosphonic acid) recited in claim 9 does not appear to be included in the structure recited in claim 7.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker 4,446,028. It is submitted that Becker disclose (see col. 2 line 3 through col. 5 line 56) a method of inhibiting scale formation in a desalting or desalination system as recited in the instant claims.

Claims 1, 2, 5, 7, 8, , and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Becker 4,446,026. It is submitted that Becker disclose (see col. 2 line 3 through col. 5 line 13) a method of inhibiting scale formation in a desalting or desalination system as recited in the instant claims.

Art Unit: 1797

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (028) or Becker (026) in view of Hodgson et al. 4,204,953. The claims differ from the references as applied above by reciting the addition of a polymaleic acid or anhydride, and the inhibition of magnesium hydroxide scale. Hodgson et al. disclose (see col. 1 line 14 through col. 4 line 56) that it is known in the art to add polymaleic anhydrides to saline water evaporators to inhibit scale deposition including magnesium hydroxide. It would have been obvious to one skilled in the art to modify the references as applied above, by addition of polymaleic anhydride in view of the teachings of Hodgson et al., to aid in inhibiting scale deposition including magnesium hydroxide in the desalination system. With regard to claim 15, it is submitted that the conventional water treating agents and additive polymers utilized in the compositions disclosed in Becker (028), Becker (026), or Hodgson et al. are known in the art to function as dispersants, respectively.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (028) or Becker (026) in view of Bendiksen et al. 5,087,376. The claims differ from the references as applied above by reciting that the phosphonate polymer is poly(vinylphosphonic acid). Bendiksen et al. disclose (see col. 3 line 13 through col. 4 line 43) that it is known in the art to add a polymer of vinyl phosphonic acid to inhibit scale deposition including magnesium salts in aqueous desalination systems. It would have been obvious to one skilled in the art to

Art Unit: 1797

modify the references as applied above, by addition of poly(vinylphosphonic acid) in view of the teachings of Bendiksen et al., to aid in inhibiting scale deposition in the desalination system.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Peter A. Hruskoci/ whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter A. Hruskoci/
Primary Examiner
Art Unit 1797

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Application/Control Number: 10/597,925

Page 5

Art Unit: 1797